HUMAN RIGHTS

The African Charter on Human and Peoples' Rights

UNITED NATIONS

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Introduction

The starting-point for the historical evolution of the Charter was the symposium organized by African jurists in Lagos in 1961, which came up with the idea of an African convention on human rights.

This idea was developed by writers and subsequently taken up at other symposia and seminars organized by the United Nations and the International Commission of Jurists (ICJ) in particular. These different discussions and meetings led to the 1978 Dakar symposium organized by the ICJ and the Senegalese Association for Legal Studies and Research. As a result of that symposium, a follow-up group was formed to "sell" the idea to African Heads of State.

Following that consciousness-raising campaign, President Senghor, then head of State for Senegal, submitted a resolution, which was adopted, to the Summit of Heads of State and Government of the Organization of African Unity (OAU), held in Monrovia in 1979, requesting the Secretary-General of the OAU at the time, Mr. Edem Kodjo, to convene a meeting of high-level African experts to draw up a preliminary draft of an African Charter on Human and Peoples' Rights providing *inter alia* for bodies responsible for promotion and protection.

The meeting of African experts quickly prepared a preliminary draft, at the end of 1979, which was submitted, after an initial unsuccessful meeting of African plenipotentiaries at Addis Ababa, for consideration at two sessions of the Conference of OAU Ministers of Justice held at Banjul (Gambia) in 1980 and 1981. The agreed draft was then adopted at the Nairobi Summit in 1981. The Charter finally came into force on 21 October 1986 having been ratified by an absolute majority of States after an energetic consciousness-raising campaign conducted by certain Heads of State of the OAU and certain non-governmental organizations.

So far as its content and structure are concerned, the Charter contains a list of the prerogatives and obligations which are protected and also of the organs for the protection and defence of those same values.

Part I includes not only rights but also duties, an approach which, though new in international instruments, accords with the African conception of rights as inseparable from duties. Those rights and duties apply to individuals and groups alike. The Charter places special emphasis on the rights and duties of the community (the family, society, the nation, the State), thus giving marked emphasis to the community and non-collectivist approach. Lastly, the Charter accords a place to the so-called third-

generation rights: the rights to peace, solidarity, a healthy environment and development, having regard to Africa's place in the concept of nations.

Two bodies are responsible for ensuring the promotion and protection of human and peoples' rights: the African Commission on Human and Peoples' Rights and the Assembly of Heads of State and Government of the OAU.

With regard to its organization and operation, the African Commission on Human and Peoples' Rights is composed of 11 members elected by the Assembly of Heads of State and Government of the OAU. In turn, the members elect the Chairman and Vice-Chairman, the Secretary of the Commission being appointed by the Secretary-General of the OAU.

Members sit in their personal capacity but continue to exercise their functions in their States of origin.

They are, however, independent as regards the exercise of their functions as members of the Commission, whose headquarters was established at Banjul, Gambia, following a decision taken at the twenty-fourth Assembly of Heads of State and Government of the OAU.

The principal responsibilities of the African Commission on Human and Peoples' Rights are to ensure the promotion and protection of human and peoples' rights.

The task of promotion involves functions relating to studies, research, information, sensitization, consciousness-raising education, dissemination, training and further training and general guidance in a word, a pedagogical function in the matter of human rights.

It also comprises quasi-legislative functions whereby the African Commission on Human and Peoples' Rights is required to prepare, and propose to States, draft laws and regulations on human rights or to define the principles that should apply in this field.

The task of promotion likewise includes functions of co-operation with governmental and non-governmental organizations having the same objectives as the Commission or complementary objectives.

As to the task of protection, this consists, so far as the African Commission on Human and Peoples' Rights is concerned, of examining complaints of human rights violations either by States parties or by private persons, whether natural or legal, which are referred to in the Charter by the term "other communications".

The broad procedure for examining complaints is set forth in the Charter; subsequently, it was spelt out in detail in the Commission's rules of procedure. The outcome of the procedure is a report drawn up by the Commission and setting forth the facts and the findings of the inquiry. The report is transmitted for decision, together with an opinion, to the Assembly of Heads of State and Government of the OAU.

The Assembly of Heads of State and Government of the OAU is in fact the second organ for the defence and protection of the rights and freedoms set forth in the Charter. It alone has the power of decision to the exclusion of the Commission, in regard to which it is a matter for regret that it does not have judicial powers.

These are the conditions under which Africa's human rights policy has been set in motion.

A new stage for the assessment of this policy is commencing. It relates to the implementation of the Charter.

The Commission has now been in operation for two years and has only just established its headquarters, at Banjul on 12 June 1989; it would therefore seem premature to take stock of the results so far.

None the less, the African Charter on Human and Peoples' Rights as it now appears certainly represents a point of achievement. But it is above all a point of departure because of the way in which those responsible for its implementation will carry out their functions. Their know-how will enable ideas concerning human rights policy in Africa to be more clearly defined.

Isaac NGUEMA

First Chairman of the African Commission on Human and Peoples' Rights

African Charter on Human and Peoples' Rights

PREAMBLE

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights";

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of "a preliminary draft on an African Charter on Human and Peoples' Rights providing *inter alia* for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa and to promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand, that the reality and respect of peoples' rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

Convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism, and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinion;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

HAVE AGREED AS FOLLOWS:

PART I

RIGHTS AND DUTIES

CHAPTER I. HUMAN AND PEOPLES' RIGHTS

Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7

1. Every individual shall have the right to have his cause heard. This comprises:

(*a*) The right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;

(*b*) the right to be presumed innocent until proved guilty by a competent court or tribunal;

(*c*) the right to defence, including the right to be defended by counsel of his choice;

(*d*) the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9

1. Every individual shall have the right to receive information.

2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.

2. Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.

2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a State party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.

2. Every individual may freely take part in the cultural life of his community.

3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.

2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.

3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.

2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic co-operation based on mutual respect, equitable exchange and the principles of international law.

4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that:

(*a*) Any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;

(*b*) Their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All people shall have the right to a general satisfactory environment favourable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

Chapter II. Duties

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;

2. To serve his national community by placing his physical and intellectual abilities at its service;

3. Not to compromise the security of the State whose national or resident he is;

4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;

5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;

6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

PART II

MEASURES OF SAFEGUARD

CHAPTER I. ESTABLISHMENT AND ORGANIZATION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Article 30

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

Article 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity.

Article 32

The Commission shall not include more than one national of the same State.

Article 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the States parties to the present Charter.

Article 34

Each State party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the States parties of the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

Article 35

1. The Secretary-General of the Organization of African Unity shall invite States parties to the present Charter at least four months before the elections to nominate candidates.

2. The Secretary-General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

Article 36

The members of the Commission shall be elected for a six-year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of three others, at the end of four years.

Article 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in Article 36.

Article 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

Article 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary-General of the Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.

2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary-General of the Organization of African Unity, who shall then declare the seat vacant.

3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

Article 40

Every member of the Commission shall be in office until the date his successor assumes office.

Article 41

The Secretary-General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the cost of the staff and services.

Article 42

1. The Commission shall elect its Chairman and Vice-Chairman for a two-year period. They shall be eligible for re-election.

2. The Commission shall lay down its rules of procedure.

3. Seven members shall form the quorum.

4. In case of an equality of votes, the Chairman shall have a casting vote.

5. The Secretary-General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

Article 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

Article 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organization of African Unity.

Chapter II. Mandate of the Commission

Article 45

The functions of the Commission shall be:

1. To promote Human and Peoples' Rights and in particular:

(*a*) To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to Governments;

(*b*) To formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations;

(*c*) Co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.

2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.

3. Interpret all the provisions of the present Charter at the request of a State party, an institution of the Organization of African Unity or an African organization recognized by the Organization of African Unity.

4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

Chapter III. Procedure of the Commission

Article 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary-General of the Organization of African Unity or any other person capable of enlightening it.

COMMUNICATION FROM STATES

Article 47

If a State Party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the

Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary-General of the Organization of African Unity and to the Chairman of the Commission. Within three months of the receipt of the communication the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.

Article 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other State involved.

Article 49

Notwithstanding the provisions of Article 47, if a State party to the present Charter considers that another State party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary-General of the Organization of African Unity and the State concerned.

Article 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

Article 51

1. The Commission may ask the States concerned to provide it with all relevant information.

2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representations.

Article 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of human and peoples' rights, the Commission shall prepare, within a

reasonable period of time from the notification referred to in Article 48, a report stating the facts and its findings. This report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

Article 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

Article 54

The Commission shall submit to each Ordinary Session of the Assembly of Heads of State and Government a report on its activities.

OTHER COMMUNICATIONS

Article 55

1. Before each session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.

2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Article 56

Communications relating to human and peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity;

2. Are compatible with the Charter of the Organization of African Unity or with the present Charter;

3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity;

4. Are not based exclusively on news disseminated through the mass media;

5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;

6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and

7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United

Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter.

Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

Article 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.

2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its finding and recommendations.

3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

Article 59

1. All measures taken within the provisions of the present Charter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.

2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.

3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

Chapter IV. Applicable Principles

Article 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within

the Specialised Agencies of the United Nations of which the parties to the present Charter are members.

Article 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognized by Member States of the Organization of African Unity, African practices consistent with international norms on human and peoples' rights, customs generally accepted as law, general principles of law recognized by African States as well as legal precedents and doctrine.

Article 62

Each State party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter.

Article 63

1. The present Charter shall be open to signature, ratification or adherence of the Member States of the Organization of African Unity.

2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary-General of the Organization of African Unity.

3. The present Charter shall come into force three months after the reception by the Secretary-General of the instruments of ratification or adherence of a simple majority of the Member States of the Organization of African Unity.

PART III

GENERAL PROVISIONS

Article 64

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.

2. The Secretary-General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

Article 65

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of its instrument of ratification or adherence.

Article 66

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

Article 67

The Secretary-General of the Organization of African Unity shall inform Member States of the Organization of the deposit of each instrument of ratification or adherence.

Article 68

The present Charter may be amended if a State party makes a written request to that effect to the Secretary-General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the States parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the States parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary-General has received notice of the acceptance.

Adopted by the eighteenth Conference of Heads of State and Government of the Organization of African Unity, June 1981—Nairobi, Kenya.

Rules of procedure of the African Commission on Human and Peoples' Rights

Adopted on 13 February 1988

The African Commission on Human and Peoples' Rights,
Considering the African Charter on Human and Peoples' Rights,
Acting on the strength of Article 42 (2) of the Charter,
Hereby adopts the present Rules:

PART ONE

GENERAL PROVISIONS: ORGANIZATION OF THE COMMISSION

CHAPTER I. SESSIONS

Rule 1. Number of Sessions

The African Commission on Human and Peoples' Rights hereinafter referred to as "the Commission" shall hold the Sessions which may be necessary to enable it to carry out satisfactorily its functions in conformity with the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter").

Rule 2. Opening Date

The Commission shall normally hold two ordinary sessions a year each lasting two weeks.

The ordinary sessions of the Commission shall be convened on a date fixed by the Commission on the proposal of its Chairman and in consultation with the Secretary-General of the Organization of African Unity (hereinafter referred to as "the Secretary-General").

The Secretary-General may change, under exceptional circumstances, the opening date of a session, in consultation with the Chairman of the Commission.

Rule 3. Extraordinary sessions

1. Extraordinary sessions shall be convened on decisions of the Commission. When the Commission is not in Session, the Chairman may convene extraordinary sessions in consultation with the members of the Commission. The Chairman of the Commission shall also convene extraordinary sessions:

(*a*) At the request of the majority of the members of the Commission;

(*b*) At the request of the current Chairman of the Organization of African Unity.

2. Extraordinary Sessions shall be convened as soon as possible on a date fixed by the Chairman, in consultation with the Secretary-General and the other members of the Commission.

Rule 4. Place of Meetings

The Sessions shall normally be held at the Headquarters of the Commission. The Commission may, in consultation with the Secretary-General, decide to hold a Session in another place.

Rule 5. Notifications of the Opening Date of the Sessions

The Secretary-General shall inform members of the Commission of the date of the first sitting of each Session and its venue. This notification shall be sent, in the case of an Ordinary Session, at least eight (8) weeks and, in the case of an Extraordinary Session, at least three (3) weeks, if possible before the Session.

CHAPTER II. AGENDA

Rule 6. Drawing up the Provisional Agenda

1. The Provisional Agenda for each Ordinary Session shall be drawn up by the Secretary-General, in consultation with the Chairman of the Commission in accordance with the provisions of the Charter and these Rules.

2. The provisional Agenda shall include if necessary, items on: "Communications from States", and "Other Communications" in conformity with the provisions of Article 55 of the Charter. It should not contain any information relating to such communications.

3. Except what has been specified above on the communications, the Provisional Agenda shall include all the items listed by the present Rules of Procedure as well as the items proposed:

(*a*) By the Commission at a previous Session;

(*b*) By the Chairman of the Commission or another member of the Commission;

(*c*) By a State party to the Charter;

(*d*) By the Assembly of Heads of State and Government (or the Council of Ministers of the Organization of African Unity);

(*e*) By the Secretary-General of the Organization of African Unity for every issue relating to the functions assigned to him by the Charter;

(*f*) By a national liberation movement recognized by the Organization of African Unity or by a non-governmental organization;

(*g*) By a specialized institution of which the States parties to the Charter are members.

4. The items to be included in the provisional agenda under subparagraphs *b, c, f* and *g* of paragraph 3 must be communicated to the Secretary-General, accompanied by essential documents, not later than eight (8) weeks before the first sitting of each Session.

5. (*a*) All national liberation movements or non-governmental organizations wishing to propose the inclusion of an item in the Provisional Agenda must inform the Secretary-General at least ten (10) weeks before the opening of the meeting. Before formally proposing the inclusion of an item in the Provisional Agenda, the observations likely to be made by the Secretary-General must duly be taken into account;

(*b*) The proposal, accompanied by essential documents, must formally be submitted not later than eight (8) weeks before the opening of the Session.

All proposals made under the provisions of the present paragraph shall be included in the Provisional Agenda of the Commission, if at least two-thirds (2/3) of the members present and voting so decide.

6. The Provisional Agenda of the Extraordinary Session of the Commission shall include only the item proposed to be considered at that Extraordinary Session.

Rule 7. Transmission and Distribution of the Provisional Agenda

1. The Provisional Agenda and the essential documents relating to each item shall be distributed to the members of the Commission by the Secretary-General who shall endeavour to transmit them to members at least six (6) weeks before the opening of the Session.

2. The Secretary-General shall communicate the Provisional Agenda of that session and have the essential documents relating to each Agenda item distributed at least six weeks before the opening of the Session of the Commission to the members of the Commission, member States parties to the Charter, to the current Chairman of the Organization of African Unity.

3. The draft agenda shall also be sent to the specialised agencies, to non-governmental organizations and to the national liberation movements concerned with the agenda.

4. In exceptional cases, the Secretary-General, may, while giving his reasons in writing, have the essential documents relating to some items of the Provisional Agenda distributed at least four (4) weeks prior to the opening of the Session.

Rule 8. Adoption of the Agenda

At the beginning of each session, the Commission shall if necessary, after the election of officers in conformity with Rule 18, adopt the agenda of the Session on the basis of the Provisional Agenda referred to in Rule 6.

Rule 9. Revision of the Agenda

The Commission may, during the Session, revise the Agenda if need be, adjourn, cancel or amend items. During the Session, only urgent and important issues may be added to the Agenda.

Rule 10. Draft Provisional Agenda for the Next Session

The Secretary-General shall, at each session of the Commission, submit a Draft Provisional Agenda for the next session of the Commission, indicating with respect to each item, the documents to be submitted on that item and the decisions of the deliberative organ which authorized their preparation, so as to enable the Commission to consider these documents as regards the contribution they make to its proceedings, as well as their urgency and relevance to the prevailing situation.

CHAPTER III. MEMBERS OF THE COMMISSION

Rule 11. Composition of the Commission

The Commission shall be composed of eleven (11) members elected by the Assembly of Heads of State and Government hereinafter referred to as "the Assembly", in conformity with the relevant provisions of the Charter.

Rule 12. Status of the Member

1. The members of the Commission shall be the eleven (11) personalities appointed in conformity with the provisions of Article 31 of the Charter.

2. Each member of the Commission shall sit on the Commission in a personal capacity. No member may be represented by another person.

Rule 13. Term of Office of the Members

1. The term of office of the members of the Commission elected on 29 July 1987 shall begin from that date. The term of office of the members of the Commission elected at subsequent elections shall take effect the day following the expiry date of the term of office of the members of the Commission they shall replace.

2. However if a member is re-elected at the expiry of his or her term of office, or elected to replace a member whose term of office expired or will expire, the term of office shall begin from that expiry date.

3. In conformity with Article 39 (3) of the Charter, the member elected to replace a member whose term of office has not expired, shall complete the term of office of his or her predecessor, unless the remaining term of office is less than six (6) months. In the latter case, there shall be no replacement.

Rule 14. Cessation of Functions

1. If in the unanimous opinion of the other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary-General of the Organization of African Unity, who shall then declare the seat vacant.

2. In case of the demise or resignation of a member of the Commission, the Chairman shall immediately inform the Secretary-General who shall declare the seat vacant from the date of the demise or from that on which the resignation took effect. The member of the Commission who resigns shall address a written notification of his or her resignation directly to the Chairman or to the Secretary-General and steps to declare his or her seat vacant shall only be taken after receiving the said notification. The resignation shall make the seat vacant.

Rule 15. Vacant Seat

Every seat declared vacant in conformity with Rule 15 of the present Rules of Procedure shall be filled on the basis of Article 39 of the Charter.

Rule 16. Oath

Before coming into office, every member of the Commission shall make the following solemn commitment at a public sitting: "I swear to carry out my duties well and faithfully in all impartiality".

CHAPTER IV. OFFICERS

Rule 17. Election of Officers

1. The Commission shall elect among its members a Chairman and a Vice-Chairman.

2. The elections referred to in the present Rule shall be held by secret ballot. Only the members present shall vote, the member who shall obtain the two-thirds majority of the votes of the members present and voting shall be elected.

3. If no member obtains this two-thirds majority, a second and third and fourth ballot shall be held. The member having the largest number of votes at the fifth ballot shall be elected.

4. The officers of the Commission shall be elected for a period of two (2) years. They shall be re-eligible. None of them, may, however, exercise his or her functions if he or she ceases to be a member of the Commission.

Rule 18. Powers of the Chairman

The Chairman shall carry out the functions assigned to him by the Charter, the Rules of Procedure and the decisions of the Commission. In the exercise of his functions the Chairman shall be under the authority of the Commission.

Rule 19. Absence of the Chairman

The Vice-Chairman shall replace the Chairman during a session if the latter is unable to attend a whole or part of a sitting of a session.

Rule 20. Functions of the Vice-Chairman

The Vice-Chairman, acting in the capacity of the Chairman, shall have the same rights and the same duties as the Chairman.

Rule 21. Cessation of the Functions of an Officer

If any of the officers ceases to carry out his or her functions or declares that he or she is no longer able to exercise the functions of a member of the Commission or is no longer in a position for one reason or another, to serve as an officer, a new officer shall be elected for the remaining term of office of his or her predecessor.

CHAPTER V. SECRETARIAT

Rule 22. Function of the Secretary-General

1. The Secretary-General or his representative may attend the meetings of the Commission. He shall participate neither in the deliberations, nor in the voting. He may, however, be called upon by the Chairman of the Commission to address the meeting. He may make written or oral statements at the sittings of the Commission.

2. He shall appoint, in consultation with the Chairman of the Commission, a Secretary of the Commission.

3. He shall, in consultation with the Chairman provide the Commission with the necessary staff, material means and services for it to actually carry out effectively the functions and missions assigned to it under the Charter.

4. The Secretary-General shall take all the necessary steps for the meetings of the Commission.

5. The Secretary-General shall bring immediately to the knowledge of the members of the Commission all the issues that would be submitted to them for consideration.

Rule 23. Estimates

Before the Commission shall approve a proposal entailing expenses, the Secretary-General shall prepare and distribute, as soon as possible, to the members of the Commission, the financial implications of the proposal. It shall be incumbent on the Chairman to draw the attention of the members to those implications so that they discuss them when the proposal shall be considered by the Commission.

Rule 24. Financial Rules

The Financial Rules adopted pursuant to the provisions of Article 41 and 44 of the Charter, shall be appended to the present Rules of Procedure.

Rule 25. Powers of the Secretary of the Commission

The Secretary of the Commission hereinafter referred to as "the Secretary" shall be responsible for the activities of the Secretariat under the general supervision of the Chairman, and, particularly:

(*a*) He/she shall assist the Commission and its members in the exercise of their functions;

(*b*) He/she shall serve as an intermediary for all the communications concerning the Commission;

(*c*) He/she shall be the custodian of the archives of the Commission.

Rule 26. Records of Cases

A special record, with a reference number and initialled, in which shall be entered the date of the registration of each petition and communications and that of the closure of the procedure relating to them before the Commission, shall be kept at the Secretariat.

Rule 27. Financial Responsibility

The Organization of African Unity shall bear the expenses of the staff and the means and services placed at the disposal of the Commission to carry out its functions.

CHAPTER VI. SUBSIDIARY BODIES

Rule 28. Establishment of Committees and Working Groups

1. The Commission may during a session, taking into account the provisions of the Charter and in consultation with the Secretary-General, establish, if it deems it necessary for the exercise of its functions, committees or working groups, composed of the members of the Commission and send them any agenda item for consideration and report.

2. These committees or working groups may, with the prior consent of the Secretary-General, be authorized to sit when the Commission is not in session.

3. The members of the committees or working groups shall be appointed by the Chairman subject to the approval of the absolute majority of the other members of the Commission.

Rule 29. Establishment of Sub-Commissions

1. The Commission may establish sub-Commissions of experts after the prior approval of the Assembly.

2. Unless the Assembly decides otherwise, the Commission shall determine the functions and composition of each sub-Commission.

Rule 30. Officers of the Subsidiary bodies

Unless the Commission decides otherwise, the subsidiary bodies of the Commission shall elect their own officers.

Rule 31. Rules of Procedure

The Rules of Procedure of the Commission shall apply, as far as possible, to the proceedings of its subsidiary bodies.

Chapter VII. Public Sessions and Private Sessions

Rule 32. General principle

The sittings of the Commission and of its subsidiary bodies shall be private and shall be held "in camera".

Rule 33. Publication of Proceedings

At the end of each private sitting, the Commission or its subsidiary bodies may issue a communiqué through the Secretary-General.

Chapter VIII. Languages

Rule 34. Working Languages

The working languages of the Commission and of all its institutions shall be those of the Organization of African Unity.

Rule 35. Interpretation

1. The address delivered in one of the working languages shall be interpreted in the other working languages.

2. Any person addressing the Commission in a language other than one of the working languages, shall, in principle, ensure the interpretation in one of the working languages. The interpreters of the Secretariat may take the interpretation of the original language as source language for their interpretation in the other working languages.

Rule 36. Languages to be used for Minutes of Proceedings

The summary minutes of the sittings of the Commission shall be drafted in the working languages.

Rule 37. Languages to be used for resolutions and other official decisions

All the official decisions of the Commission shall be communicated in the working languages, that shall also apply to the other official documents of the Commission.

Chapter IX. Minutes and Reports

Rule 38. Tape Recording of the Sessions

The Secretariat shall record and conserve the tapes of the sessions of the Commission. It may also record and conserve the tapes of the sessions

of the committees, working groups and sub-commissions if the Commission so decides.

Rule 39. Summary Minutes of the Sessions

1. The Secretariat shall draft the summary minutes of the private and public sessions of the Commission and of its subsidiary bodies. It shall distribute them as soon as possible in a draft form to the members of the Commission and to all other participants in the session. All those participants may, in the seven (7) working days following the receipt of the draft minutes of the session, submit corrections to the Secretariat. The Chairman may, under special circumstances, in consultation with the Secretary-General, extend the time for the submission of the corrections.

2. In case the corrections are contested, the Chairman of the Commission or the Chairman of the subsidiary body, whose minutes they are shall resolve the disagreement after having listened to, if necessary, the tape recording of the discussions. If the disagreement persists, the Commission or the subsidiary body shall decide. The corrections shall be published in a distinct volume after the closure of the session.

Rule 40. Distribution of the Minutes of the Private Sessions and Public Sessions

1. The final summary minutes of the public and private sessions shall be documents intended for general distribution unless, under exceptional circumstances, the Commission decides otherwise.

2. The minutes of the private sessions of the Commission shall be distributed forthwith to all members of the Commission and to any other participants in the sessions.

Rule 41. Reports to be submitted after each session

The Commission shall submit to the current Chairman of the Organization of African Unity, a report on the deliberations of each session. This report shall contain a brief summary of the recommendations and statements on issue to which the Commission would like to draw the attention of the current Chairman and member States of the Organization of African Unity.

Rule 42. Submission of official decisions and reports

The text of the decisions and reports officially adopted by the Commission shall be distributed to all the members of the Commission as soon as possible.

Chapter X. Conduct of the Debates

Rule 43. Quorum

The quorum shall be constituted by seven (7) members of the Commission, as specified in Article 42 (3) of the Charter.

Rule 44. General powers of the Chairman

In addition to the powers entrusted to him under other provisions of the present Rules of Procedure, the Chairman shall have the responsibility to declare each session of the Commission opened and closed; he shall direct the debates, ensure the application of the present Rules of Procedure, grant the use of the floor, submit to a vote matters under discussion and announce the result of the vote taken. Subject to the provisions of the present Rules of Procedure, the Chairman shall direct the discussions of the Commission and ensure order during meetings. The Chairman may during the discussion of an agenda item, propose to the Commission to limit the time accorded to speakers, as well as the number of interventions of each speaker on the same issue and close the list of speakers. He shall rule on the points of order. He shall also have the power to propose the adjournment and the closure of debates as well as the adjournment and suspension of a sitting. The debates shall deal solely with the issue submitted to the Commission and the Chairman may call a speaker, whose remarks are irrelevant to the matter under discussion, to order.

Rule 45. Points of Order

1. During the debate of any matter a member may, at any time, raise a point of order and the point of order shall be immediately decided by the Chairman, in accordance with the Rules of Procedure. If a member appeals against the decision, the appeal shall immediately be put to the vote and if the Chairman's ruling is not cancelled by the simple majority of the members present, it shall be maintained.

2. A member raising a point of order cannot, in his or her comments deal with the substance of the matter under discussion.

Rule 46. Adjournment of Debates

During the discussion on any matter, a member may move the adjournment of the debate on the matter under discussion. In addition to the proposer of the motion one member may speak in favour of and one against the motion after which the motion shall be immediately put to the vote.

Rule 47. Limit of the Time accorded to Speakers

The Commission may limit the time accorded to each speaker on any matter, when the time allotted for debates is limited and a speaker spends

more than the time accorded, the Chairman shall immediately call him to order.

Rule 48. Closing of the list of speakers

The Chairman may, during a debate, read out the list of speakers and with the approval of the Commission, declare the list closed. Where there are no more speakers, the Chairman shall, with the approval of the Commission, declare the debate closed. This closure shall have the same effect as the one decided by the Commission.

Rule 49. Closure of Debate

A member may, at any time, move the closure of the debate on the matter under discussion, even if the other members or representatives expressed the desire to take the floor. The authorization to take the floor on the closure of the debate shall be given only to two speakers against the closure, after which the motion shall immediately be put to the vote.

Rule 50. Suspension or Adjournment of the Meeting

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on any such motion shall be permitted and it shall immediately be put to the vote.

Rule 51. Order of the Motions

Subject to the provisions of Rule 45 of the present Rules of Procedure, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

(*a*) To suspend the meeting;

(*b*) To adjourn the meeting;

(*c*) To adjourn the debate on the item under discussion;

(*d*) For the closure of the debate on the item under discussion.

Rule 52. Submission of Proposals and Amendments of Substance

Unless the Commission decides otherwise the proposals, amendments or motions of substance made by members shall be submitted in writing to the Secretariat; if a member makes the request, they shall be considered at the first sitting following their submission.

Rule 53. Decisions on Competence

Subject to the provisions of Rule 45 of the present Rules of Procedure, any motion tabled by a member for a decision on the competence of the Commission to adopt a proposal submitted to it shall immediately be put to the vote before the said proposal is put to the vote.

Rule 54. Withdrawal of a Proposal or a Motion

The sponsor of a motion or a proposal may still withdraw it before it is put to the vote, on condition that it has not been amended. A motion or a proposal thus withdrawn may be submitted again by another member.

Rule 55. New Consideration of Proposals

When a proposal is adopted or rejected, it shall not be considered again at the same session, unless the Commission decides otherwise. When a member moves the new consideration of a proposal, only one member may speak in favour of and one against the motion, after which it shall immediately be put to the vote.

Rule 56. Interventions

1. No member may take the floor at a meeting of the Commission without prior authorization of the Chairman. Subject to Rules 50, 49, 45 and 48 the Chairman shall grant the use of the floor to the speakers in the order in which it has been requested.

2. The debates shall deal solely with the matter submitted to the Commission and the Chairman may call to order a speaker whose remarks are irrelevant to the matter under discussion.

3. The Chairman may limit the time accorded to speakers and the number of interventions which each member may make on the same issue, in accordance with Rule 44 of the present Rules.

Only two members in favour of motion and two against the motion of fixing such time limits shall be granted the use of the floor after which the motion shall immediately be put to the vote. For questions of procedure the time accorded to each speaker shall not exceed five minutes, unless the Chairman decides otherwise. When the time allotted for discussions is limited and a speaker exceeds the time accorded the Chairman shall immediately call him to order.

Rule 57. Right of Reply

The right of reply shall be granted by the Chairman to any member requesting it. The member must try, while exercising this right, to be as brief as possible and to take the floor preferably at the end of the sitting at which this right has been requested.

Rule 58. Congratulations

The congratulations addressed to the newly elected members to the Commission shall only be presented by the Chairman or a member designated by the latter. Those addressed to the newly elected officers shall

only be presented by the outgoing Chairman or a member designated by him.

Rule 59. Condolences

Condolences shall be exclusively presented by the Chairman on behalf of all the members. The Chairman may, with the consent of the Commission, send a message on behalf of all the members of the Commission.

Chapter XI. Vote and Elections

Rule 60. Right to Vote

Each member of the Commission shall have one vote. In the case of equal number of votes the Chairman shall have the casting vote.

Rule 61. Asking for a Vote

A proposal or a motion submitted to the decision of the Commission shall be put to the vote if a member so requests. If no member asks for a vote, the Commission may adopt a proposal or a motion without a vote.

Rule 62. Required Majority

1. Except in the cases the Charter or other Rules of the present Rules of Procedure otherwise provide, decisions of the Commission shall be taken by the simple majority of the members present and voting.

2. For the purpose of the present Rules of Procedure, the expression "members present and voting" shall mean members voting for or against. The members who shall abstain from voting shall be considered as non-voting members.

3. Nevertheless decisions may be taken by consensus before resorting to voting, subject to compliance with the provisions of the Charter and the Rules of Procedure and that the process for reaching that consensus shall not delay unduly the proceedings of the Commission.

Rule 63. Method of Voting

1. Subject to the provisions of Rule 68, the Commission unless it otherwise decides shall normally vote by show of hands, but any member may request the roll-call vote, which shall be taken in the alphabetical order of the names of the members of the Commission beginning by the member whose name is drawn by lot by the Chairman. In all the votes by roll-call each member shall reply "yes", "no" or "abstention". The Commission may decide to hold a secret ballot.

2. In case of vote by roll-call, the vote of each member participating in ballot shall be recorded in the minutes.

Rule 64. Explanation of Vote

Members may make brief statements for the only purpose of explaining their vote, before the beginning of the vote or once the vote has been taken. The member who is the sponsor of a proposal or a motion cannot explain his vote on that proposal or motion except if it has been amended.

Rule 65. Rules to be Observed while Voting

When the ballot shall begin, it may not be interrupted except if a member raises a point of order relating to the manner in which the ballot is held. The Chairman may allow members to intervene briefly, whether before the ballot beginning or when it is closed, but solely to explain their vote.

Rule 66. Division of Proposals and Amendments

The division of proposals and amendments shall be done if so requested. The parts of the proposals or of the amendments which has been adopted shall later be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 67. Amendment

An amendment shall simply comprise an addition to or a deletion of another proposal of a change in a part of the said proposal.

Rule 68. Order of Vote on Amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so until all the amendments have been put to the vote. Nevertheless when the adoption of an amendment shall necessarily imply the rejection of another amendment, the latter shall not be put to the vote. If one or several amendments are adopted, the amended proposal shall then be put to the vote.

Rule 69. Order of Vote on the Proposals

1. If two or more proposals are made on the same matter, the Commission, unless it decides otherwise, shall vote on these proposals in the order in which they have been submitted.

2. After each vote the Commission may decide whether it shall put the next proposal to the vote.

3. However, the motions which do not require the opinion of the Commission on the substance of the proposals shall be considered as previous issues and put to the vote before the said proposals.

Rule 70. Elections

The Elections shall be held by secret ballot, unless the Commission otherwise decides when the election concerns one post for which only one candidate has been proposed and that the candidate or the list of candidates has been agreed upon.

Rule 71. Majority required to be Elected

1. When one post must be filled by elections the candidate who shall obtain in the first ballot the majority of the votes cast and the largest number of votes shall be elected.

2. If the number of the candidates in majority are fewer than the number of vacant posts, another round of voting shall be conducted to fill the remaining vacant posts.

CHAPTER XII. PARTICIPATION OF NON-MEMBERS OF THE COMMISSION

Rule 72. Participation of States in the Deliberations

1. The Commission may invite any State to participate in the discussion of any issue that shall be of particular interest to that State.

2. A subsidiary body of the Commission may invite any State to participate in the discussion of any issue that shall be of particular interest to this State.

3. A State thus invited shall have no voting right, but may submit proposals which may be put to the vote at the request of any member of the Commission or of the subsidiary body concerned.

Rule 73. Participation of National Liberation Movements

The Commission may invite any national liberation movement recognized by the Organization of African Unity or by virtue of resolutions adopted by the Assembly to participate, without voting rights, in the discussion of any issue which shall be of particular interest to this movement.

Rule 74. Participation of Specialized Institutions and Consultations with the latter

1. Pursuant to the agreements concluded between the Organization of African Unity and the Specialized Institutions, the latter shall have the right to:

(*a*) Be represented in the public sessions of the Commission and of its subsidiary bodies;

(*b*) Participate, without voting rights, through their representatives in deliberations on issues which shall be of interest to them and to submit, on these issues, proposals which may be put to vote at the request of any member of the Commission or the interested subsidiary body.

2. Before placing in the provisional agenda an issue submitted by a Specialized Institution, the Secretary-General should initiate such preliminary consultations as may be necessary, with this institution.

3. When an issue proposed for inclusion in the provisional agenda of a session, or which has been added to the agenda of a session pursuant to Rule 5 of the present Rules of Procedure, contains a proposal requesting the Organization of African Unity to undertake additional activities relating to issues concerning directly one or several specialized institutions, the Secretary-General should enter into consultation with the institutions concerned and inform the Commission of the ways and means of ensuring co-ordinated utilization of the resources of the various institutions.

4. When at a meeting of the Commission, a proposal calling upon the Organization of African Unity to undertake additional activities relate to issues directly concerning one or several specialized institutions, the Secretary-General, after consulting as far as possible, the representatives of the interested institutions, should draw the attention of the Commission to the effects of that proposal.

5. Before taking a decision on the proposals mentioned above, the Commission shall make sure that the institutions concerned have been duly consulted.

Rule 75. Participation of other Inter-governmental Organizations

Representatives of Inter-governmental Organizations to which the Organization of African Unity has granted permanent observer status and other Inter-governmental Organizations permanently designated by the Organization of African Unity or invited by the Commission, may participate, without voting rights, in the deliberations of the Commission on issues falling within the framework of the activities of these organizations.

Chapter XIII. Consultations with non-Governmental Organizations and Representation of these Organizations

Rule 76. Representation

Non-governmental organizations may appoint authorized observers to participate in the public sessions of the Commission and of its subsidiary bodies. The non-Governmental Organizations on the list as established by the Commission may send observers to these sessions where issues falling within their area of activity are being considered.

Rule 77. Consultation

1. The Commission may consult the non-governmental organizations either directly or through one or several committees set up for this purpose. In any case, these consultations may be held at the invitation of the Commission or at the request of the organization.

2. Upon recommendation of the Secretary-General and at the request of the Commission, organizations on the above-mentioned list may also be heard by the Commission.

Chapter XIV. Publication and Distribution of the Reports and other Official Documents of the Commission

Rule 78. Report of the Commission

Within the framework of the procedure of communication among States parties to the Charter, referred to in Articles 47 and 49 of the Charter, the Commission shall submit to the Assembly a report containing, where possible, recommendations it shall deem necessary. The report shall be confidential. However, it shall be published by the Chairman of the Commission if the Assembly so decides.

Rule 79. Periodical reports of Member States

Periodical reports and other information submitted by States parties to the Charter as requested under Article 62 of the Charter, shall be documents for general distribution. The same thing shall apply to other information supplied by a State party to the Charter, unless this State shall request otherwise.

Rule 80. Reports on the activities of the Commission

1. As stipulated in Article 54 of the Charter, the Commission shall each year submit to the Assembly, a report on its deliberations, in which it shall include a summary of its activities.

2. The report shall be published by the Chairman after the Assembly shall have considered it.

PART TWO

PROVISIONS RELATING TO THE FUNCTIONS OF THE COMMISSION

CHAPTER XV. PROMOTIONAL ACTIVITIES

REPORTS SUBMITTED BY STATES PARTIES TO THE CHARTER UNDER ARTICLE 62 OF THE CHARTER

Rule 81. Contents of Reports

1. States parties to the Charter shall submit reports on measures they would have taken to give effect to the rights recognized by the Charter and on the progress made with regard to the enjoyment of these rights. The reports should indicate, where possible, the factors and difficulties impeding the implementation of the provisions of the Charter.

2. Whenever the Commission shall request States parties to the Charter to submit reports as provided for by Article 62 of the Charter, it shall fix the date for the presentation of these reports.

3. The Commission may, through the Secretary-General inform States parties to the Charter, of its wishes regarding the form and the contents of the reports to be submitted under Article 62 of the Charter.

Rule 82. Transmission of the Reports

1. The Secretary-General may, after consultation with the Commission, communicate to the specialized institutions concerned, copies of all parts of the reports which may relate to their areas of competence, produced by member States of these institutions.

2. The Commission may invite the specialized institutions to which the Secretary-General has communicated parts of the reports, to submit observations relating to these parts within a time limit that it may specify.

Rule 83. Submission of Reports

The Commission shall inform, as early as possible, member States parties to the Charter, through the Secretary-General, of the opening date, duration and venue of the Session at which their respective reports shall be considered. Representatives of the States parties to the Charter may participate in the sessions of the Commission at which their reports shall be considered. The Commission may also inform a State party to the Charter from which it wanted complementary information, that it may authorize its

representative to participate in a specific session. This representative should be able to reply to questions to be put to him by the Commission and make statements on reports already submitted by this State. He may also furnish additional information from his State.

Rule 84. Non-submission of Reports

1. The Secretary-General, shall, at each session, inform the Commission of all cases of non-submission of reports or of additional information requested pursuant to Rules 81 and 85 of the Rules of Procedure. In such cases, the Commission may send, through the Secretary-General, to the State party to the Charter concerned, a report relating to the submission of the report or additional information.

2. If, after the reminder referred to in paragraph 1 of this Rule, a State party to the Charter does not submit the report or the additional information requested pursuant to Rules 81 and 85 of the Rules of Procedure, the Commission shall point it out in its yearly report to the Assembly.

Rule 85. Examination of information contained in reports

1. When considering a report submitted by a State party to the Charter under Article 62 of the Charter, the Commission should first make sure that the report provides all the necessary information pursuant to the provisions of Rule 81 of the Rules of Procedure.

2. If, in the opinion of the Commission, a report submitted by a State party to the Charter, does not contain adequate information, the Commission may request this State to furnish the additional information required, by indicating the date on which the information needed should be submitted.

3. If, following the consideration of the reports, and the information submitted by a State party to the Charter, the Commission decides that the State has not discharged some of its obligations under the Charter, it may address all general observations to the State concerned as it may deem necessary.

Rule 86. Adjournment and Transmission of the Reports

1. The Commission shall, through the Secretary-General, communicate to States parties to the Charter for comments, its general observations made following the consideration of the reports and the information submitted by States parties to the Charter. The Commission may, when necessary, fix a time limit for the submission of the comments by the States parties to the Charter.

2. The Commission may also transmit to the Assembly, the observations mentioned in paragraph 1 of this Rule, accompanied by copies of

the reports it has received from the States parties to the Charter as well as the comments supplied by the latter, if possible.

CHAPTER XVI. PROTECTION ACTIVITIES

COMMUNICATIONS FROM THE STATES PARTIES TO THE CHARTER

SECTION I. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED IN CONFORMITY WITH ARTICLE 47 OF THE CHARTER: PROCEDURE FOR COMMUNICATIONS-NEGOTIATIONS

Rule 87. Purpose of the Procedure

1. Any communication submitted under Article 47 of the Charter should be submitted to the Secretary-General and the Chairman of the Commission.

2. The communication referred to above should be in writing and contain a detailed and comprehensive statement on the actions denounced as well as the provisions of the Charter alleged to have been violated.

3. The notification of the communication to the State party to the Charter, the Secretary-General and the Chairman of the Commission shall be done through a registered letter accompanied by an acknowledgement receipt form or through any known technical means.

Rule 88. Register of Communications

The Secretary-General shall keep a permanent register for all communications received under Article 47 of the Charter.

Rule 89. Reply and time limit

1. The reply of the State party to the Charter seized of a written communication should reach the requesting State party to the Charter within 3 months following the receipt of the notification of the communication.

2. It shall be accompanied particularly by:

(*a*) Written explanations, declarations or statements relating to the issues raised;

(*b*) Possible indications and measures taken to end the situation denounced;

(*c*) Indications on the law and rules of procedure applicable or applied;

(*d*) Indications on the local procedures for appeal already used, in process or still open.

Rule 90. Non-settlement of the issue

1. If within three (3) months from the date the notification of the original communication is received by the addressee State, the issue has not been settled to the satisfaction of the two interested parties, through the selected channel of negotiation or through any other peaceful procedure selected by common consent of the parties, the issue shall be referred to the Commission, in accordance with the provisions of Article 47 of the Charter.

2. The issue shall also be referred to the Commission if the addressee State party to the Charter fails to react to the request made under Article 47 of the Charter, within the same 3 months' period of time.

Rule 91. Seisin of the Commission

At the expiration of the 3 months' time limit referred to in Article 47 of the Charter, and in the absence of a satisfactory reply or in case the addressee State party to the Charter fails to react to the request, each State party may submit the communication to the Commission through a notification addressed to its Chairman, to the other interested State party and to the Secretary-General.

SECTION II. PROCEDURE FOR THE CONSIDERATION OF THE COMMUNICATIONS RECEIVED IN CONFORMITY WITH ARTICLES 48 AND 49 OF THE CHARTER: PROCEDURE FOR COMMUNICATION-COMPLAINT

Rule 92. Seisin of the Commission

1. Any communication submitted under Articles 48 and 49 of the Charter may be submitted to the Commission by any one of the interested States parties through notification addressed to the Chairman of the Commission, the Secretary-General and the State party concerned.

2. The notification referred to in paragraph 1 of the present Rule shall contain information on the following elements or accompanied particularly by:

(*a*) Measures taken to try to resolve the issue pursuant to Article 47 of the Charter including the text of the initial communication and any future written explanation from the interested States parties to the Charter relating to the issue;

(*b*) Measures taken to exhaust local procedures for appeal;

(*c*) Any other procedure for international investigation or international settlement to which the interested States parties have resorted.

Rule 93. Permanent Register of Communications

The Secretary-General shall keep a permanent register for all communications received by the Commission under Articles 48 and 49 of the Charter.

Rule 94. Seisin of the Members of the Commission

The Secretary-General shall immediately inform members of the Commission of any notification received pursuant to Rule 91 of the Rules of Procedure and shall send to them, as early as possible, a copy of the notification as well as the relevant information.

Rule 95. Private Session and Press Releases

1. The Commission shall consider the communications referred to in Articles 48 and 49 of the Charter in close session.

2. After consulting the interested States parties to the Charter, the Commission may issue through the Secretary-General, releases on its activities for the attention of the media and the public at a close session.

Rule 96. Consideration of the Communication

The Commission shall consider a communication only when:

(*a*) The procedure offered to the States parties by Article 47 of the Charter has been exhausted;

(*b*) The time limit set in Article 48 of the Charter has expired;

(*c*) The Commission is certain that all the available local remedies have been utilized and exhausted, pursuant to the generally recognized principles of international law, or that the process of achieving these remedies extend beyond reasonable time limit or has been unduly prolonged.

Rule 97. Amicable Settlement

Except for the provisions of Rule 96 of the present Rules of Procedure, the Commission shall place its good offices at the disposal of the interested States parties to the Charter so as to reach an amicable solution on the issue based on the respect of human rights and fundamental liberties, as recognized by the Charter.

Rule 98. Additional Information

The Commission may, through the Secretary-General, request the States parties concerned or one of them to communicate additional information or observations orally or in writing. The Commission shall fix a time limit for the submission of the written information or observations.

Rule 99. Representation of States parties to the Charter

1. The States parties to the Charter concerned shall have the right to be represented during the consideration of the issue by the Commission and to submit observations orally and in writing or in either form.

2. The Commission shall notify, as soon as possible, the States parties concerned, through the Secretary-General, of the opening date, the duration and the venue of the session at which the issue will be examined.

3. The procedure to be followed for the presentation of oral or written observations shall be determined by the Commission.

Rule 100. Report of the Commission

1. The Commission shall adopt a report pursuant to Article 52 of the Charter within a reasonable time limit which should not exceed 12 months, following the notification referred to in Article 48 of the Charter and Rule 90 of the present Rules of Procedure.

2. The provisions of paragraph 1 of Rule 99 of these Rules of Procedure shall not apply to the deliberations of the Commission, relating to the adoption of the report.

3. The report referred to above shall concern the decisions and conclusions that the Commission will reach.

4. The report of the Commission shall be communicated to the States parties concerned through the Secretary-General.

5. The report of the Commission shall be sent to the Assembly through the Secretary-General, together with the recommendations that it shall deem useful.

CHAPTER XVII. OTHER COMMUNICATIONS
PROCEDURE FOR THE CONSIDERATION OF THE COMMUNICATIONS RECEIVED IN CONFORMITY WITH ARTICLE 55 OF THE CHARTER

SECTION I. TRANSMISSION OF COMMUNICATIONS TO THE COMMISSION

Rule 101. Seisin of the Commission

1. Pursuant to these Rules of Procedure, the Secretary-General shall transmit to the Commission the communications submitted to him for consideration by the Commission in accordance with the Charter.

2. No communication concerning a State which is not a party to the Charter shall be received by the Commission or placed on a list under Rule 102 of the present Rules.

Rule 102. List of Communications

1. The Secretary of the Commission shall prepare lists of communications submitted to the Commission pursuant to Rule 101 above, to which he shall attach a brief summary of their contents and regularly cause these

lists to be distributed to members of the Commission. Besides, the Secretary shall keep a permanent register of all these communications.

2. The full text of each communication referred to the Commission shall be communicated to each member of the Commission on request.

Rule 103. Request for Clarifications

1. The Commission, through the Secretary-General, may request the author of a communication to furnish clarifications on the applicability of the Charter to his communication, and to specify in particular:

(*a*) His name, address, age and profession by justifying his very identity, if ever he is requesting the Commission to be kept anonymous;

(*b*) Name of the State party referred to in the communication;

(*c*) Purpose of the communication;

(*d*) Provision(s) of the Charter allegedly violated;

(*e*) "De facto" means of law;

(*f*) Measures taken by the author to exhaust local remedies;

(*g*) The extent to which the same issue is already being considered by another international investigating or settlement body.

2. When asking for clarification or information, the Secretary-General shall fix an appropriate time limit for the author to submit the communication so as to avoid undue delay in the procedure provided for by the Charter.

3. The Commission may adopt a questionnaire for use by the author of the communication in providing the above-mentioned information.

4. The request for clarification referred to in paragraph 1 of this Rule shall not prevent the inclusion of the communication on the lists mentioned in paragraph 1 of Rule 102 above.

Rule 104. Distribution of Communications

For each communication recorded, the Secretary-General shall prepare as soon as possible, a summary of the relevant information received, which shall be distributed to the members of the Commission.

SECTION II. GENERAL PROVISIONS GOVERNING THE CONSIDERATION OF THE COMMUNICATIONS BY THE COMMISSION OR ITS SUBSIDIARY BODIES

Rule 105. Private Sessions

The sessions of the Commission or of its subsidiary bodies during which the communications are examined as provided for in the Charter shall be considered private. The sessions during which the Commission may

consider general issues, such as the application procedure of the Charter, may be public, if the Commission so desires.

Rule 106. Press Releases

The Commission may issue, through the Secretary-General and for the attention of the media and the public, re[illegible]es on the activities of the Commission in its private session.

Rule 107. Incompatibilities

1. No member shall take part in the consideration of a communication by the Commission:

(*a*) If he has any personal interest in the case; or

(*b*) If he has participated, in any capacity, in the adoption of any decision relating to the case which is the subject of the communication.

2. Any issue relating to the application of paragraph 1 above shall be resolved by the Commission.

Rule 108. Withdrawal of a Member

If, for any reason, a member considers that he should not take part or continue to take part in the consideration of a communication, he shall inform the Chairman of his decision to withdraw.

Rule 109. Provisional Measures

Before making its final views known to the Assembly on the communication, the Commission may inform the State party concerned of its views on the appropriateness of taking provisional measures to avoid irreparable prejudice being caused to the victim of the alleged violation. In so doing, the Commission shall inform the State party that the expression of its views on the adoption of those provisional measures does not imply a decision on the substance of the communication.

Rule 110. Information to the State party to the Charter

Prior to any substantive consideration, every communication should be made known to the State concerned through the Chairman of the Commission, pursuant to Article 57 of the Charter.

SECTION III. PROCEDURES TO DETERMINE ADMISSIBILITY

Rule 111. Time limits for consideration of the admissibility

The Commission shall decide, as early as possible and pursuant to the following provisions, whether or not the communication shall be admissible under the Charter.

Rule 112. Order of Consideration of the Communications

1. Unless otherwise decided, the Commission shall consider the communications in the order they have been received by the Secretariat.

2. The Commission may decide, if it deems it good, to consider jointly two or more communications.

Rule 113. Working Groups

The Commission may set up one or several working groups, composed of three of its members at most, to submit recommendations on the conditions of admissibility stipulated in Article 56 of the Charter.

Rule 114. Admissibility of the Communications

1. Communications may be submitted to the Commission by:

(*a*) An alleged victim of a violation by a State party to the Charter of one of the rights enunciated in the Charter or, in his name, when it appears that he is unable to submit the communication himself;

(*b*) An individual or an organization alleging, with proofs in support, a serious or massive cases of violations of human and peoples' rights.

2. The Commission may accept such communications from any individual or organization irrespective of where they shall be.

3. In order to decide on the admissibility of a communication, pursuant to the provisions of the Charter, the Commission shall ensure:

(*a*) That the communication indicates the identity of the author even if he requests the Commission to be anonymous, in which case the Commission shall not disclose his name;

(*b*) That the author alleges himself to be a victim of a violation, by a State party of any one of the rights enunciated in the Charter and, if necessary, that the communication is submitted in the name of an individual who is a victim (or individuals who are victims) who is unable to submit a communication or to authorize it to be done;

(*c*) That the communication does not constitute an abuse of the right to submit a communication under the Charter;

(*d*) That the communication is not incompatible with the provisions of the Charter;

(*e*) That the communication is not limited solely to information published or disseminated through the mass communication media;

(*f*) That the same issue is not already being considered by another international investigating or settlement body;

(*g*) That the alleged victim has exhausted all the available local remedies or that the processes of such remedies are taking an unduly long time;

(*h*) That the communication has been submitted within a reasonable time limit from the time the local remedies have been exhausted or from a period decided by the Commission.

Rule 115. Additional Information

1. The Commission or a working group set up under Rule 113, may, through the Secretary-General, request the State party concerned or the author of the communication to submit in writing additional information or observations relating to the issue of admissibility of the communication. The Commission or the working group shall fix a time limit for the submission of the information or observations to avoid the issue dragging on too long.

2. A communication may be declared admissible only on condition that the State party concerned has received the text of the communication and that it has been given the opportunity to submit the information and observations pursuant to paragraph 1 of this Rule.

3. A request made under paragraph 1 of this Rule should indicate clearly that the request does not mean that any decision whatsoever has been taken on the issue of admissibility.

Rule 116. Decision of the Commission on Admissibility

1. If the Commission decides that a communication is inadmissible under the Charter, it shall make its decision known as early as possible, through the Secretary-General to the author of the communication and, if the communication has been transmitted to a State party concerned, to that State.

2. If the Commission has declared a communication inadmissible under the Charter, it may reconsider this decision at a later date if it is seized by the interested individual or on his behalf, of a written request containing the information to the effect that the grounds for the inadmissibility have ceased to exist.

SECTION IV. PROCEDURES FOR THE CONSIDERATION OF COMMUNICATIONS

Rule 117. Proceedings

1. If the Commission decides that a communication is admissible under the Charter, its decision and the text of the relevant documents shall as soon as possible, be submitted to the State party concerned, through the Secretary-General. The author of the communication shall also be informed of the Commission's decision through the Secretary-General.

2. The State party to the Charter concerned shall, within the 4 ensuing months, submit in writing to the Commission, explanations or

statements elucidating, the issue under consideration and indicating, if possible, measures it was able to take to remedy the situation.

3. All explanations or statements submitted by a State party pursuant to the present Rule shall be communicated, through the Secretary-General, to the author of the communication who may submit in writing additional information and observations within a time limit fixed by the Commission.

4. The Commission may review the decision by which it has declared a communication admissible, in the light of the explanations and statements submitted by the State party under the present Rule.

Rule 118. Final Decision of the Commission

1. If the communication is admissible, the Commission shall consider it in the light of all the information that the individual and the State party concerned has submitted in writing; it shall make known its observations on this issue. To this end, the Commission may refer the communication to a working group, composed of 3 of its members at most, which shall submit recommendations to it.

2. The observations of the Commission shall be communicated to the Assembly through the Secretary-General.

3. The Assembly or its Chairman may request the Commission to conduct an in-depth study on these cases and to submit a factual report accompanied by its findings and recommendations, in accordance with the provisions of Article 58 subparagraph 2 of the Charter.

FINAL CHAPTER. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Rule 119. Method of Amendment

Only the Commission may modify the present Rules of Procedure.

Rule 120. Method of Suspension

The Commission may suspend temporarily, the application of any Rule of the present Rules of Procedure, on condition that such a suspension shall not be incompatible with any applicable decision of the Commission or the Assembly or with any relevant provision of the Charter and that the proposal shall have been submitted 24 hours in advance. This condition may be set aside if no member opposes it. Such a suspension may take place only with a specific and precise object in view and should be limited to the duration necessary to achieve that aim.

DELIBERATED AND ADOPTED by the Commission at its second session held in Dakar, Senegal, on 13 February 1988.

Annex

LIST OF COUNTRIES WHICH HAVE SIGNED, RATIFIED OR ACCEDED TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

(As at 31 January 1990)

No.	*Country*	*Date of signature*	*Date of ratification/ accession*	*Date deposited*
1.	Algeria	10/04/86	01/03/87	20/03/87
2.	Angola			
3.	Benin		20/01/86	25/02/86
4.	Botswana		17/07/86	22/07/86
5.	Burkina Faso	05/03/84	06/07/84	21/09/84
6.	Burundi			
7.	Cameroon	23/07/87		
8.	Cape Verde	31/03/86	02/06/87	06/08/87
9.	Central African Republic		26/04/86	27/07/86
10.	Chad	29/05/86	09/10/86	11/11/86
11.	Comoros		01/06/86	18/07/86
12.	Congo	27/11/81	09/12/82	17/01/83
13.	Côte d'Ivoire			
14.	Djibouti			
15.	Egypt	16/11/81	20/03/84	03/04/84
16.	Equatorial Guinea	18/08/86	07/04/86	18/08/86
17.	Ethiopia			
18.	Gabon	26/02/82	20/02/86	26/06/86
19.	Gambia	11/02/83	08/06/83	13/06/83
20.	Ghana		24/01/89	01/03/89
21.	Guinea	09/12/81	16/02/82	13/05/82
22.	Guinea-Bissau		04/12/85	06/03/86
23.	Kenya			
24.	Lesotho	07/03/84		
25.	Liberia	31/01/83	04/08/82	29/12/82
26.	Libyan Arab Jamahiriya	30/05/85	19/07/86	26/03/87
27.	Madagascar			
28.	Malawi			
29.	Mali	13/11/81	21/12/81	22/01/82
30.	Mauritania	25/02/82	14/06/86	26/06/86
31.	Mauritius			
32.	Mozambique			
33.	Niger	09/07/86	15/07/86	21/07/86
34.	Nigeria	31/08/82	22/06/83	22/07/83
35.	Rwanda	11/11/81	15/07/83	22/07/83
36.	Sahraoui Arab Democratic Republic	10/04/86	02/05/86	23/05/86
37.	Sao Tome and Principe		23/05/86	28/07/86
38.	Senegal	23/09/81	13/08/82	25/10/82
39.	Seychelles			

No.	Country	Date of signature	Date of ratification/ accession	Date deposited
40.	Sierra Leone	27/08/81	21/09/83	27/01/84
41.	Somalia	26/02/82	31/07/85	20/03/86
42.	Sudan	03/09/82	18/02/86	11/03/86
43.	Swaziland			
44.	Togo	26/02/82	05/11/82	22/11/82
45.	Tunisia		16/03/83	22/04/83
46.	Uganda	18/08/86	10/05/86	27/05/86
47.	United Republic of Tanzania	31/05/82	18/02/84	09/03/84
48.	Zaire	23/07/87	20/07/87	28/07/87
49.	Zambia	17/01/83	10/01/84	02/02/84
50.	Zimbabwe	20/02/86	30/05/86	12/06/86

ADOPTED: by the Eighteenth Assembly of Heads of State and Government, June 1981.

REQUIRES: ratification or accession by a simple majority of Member States to come into force.

CAME INTO FORCE: on 21 October 1986.

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